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**Date:** August 25, 2005

**To:** Comissioner For Patents

**Fax No.:** 571-273-8300

**From:** Margaret Slezak

**Re:** In re Application of: David T. Chen et al.  
Application No.: 10/653,719  
Filing Date: 09/02/2003  
Title: ANATOMICAL VISUALIZATION SYSTEM  
Group Art Unit No.: 3739  
Examiner: John P. Leubecker  
Attorney's Docket No.: MMS-2E CON 3

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Further to my conversation with Examiner Leubecker regarding the above-mentioned patent application, attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent.

Sincerely,



Margaret M. Slezak  
Registration No. 55,625

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AUG 25 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David T. Chen et al.  
Application No.: 10/653,719  
Filing Date: 09/02/2003  
Title: ANATOMICAL VISUALIZATION SYSTEM  
Group Art Unit No.: 3739  
Examiner: John P. Leubecker  
Attorney's Docket No.: MMS-2E CON 3

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF TERMINAL DISCLAIMER  
TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Applicants hereby submit a TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT in the above-referenced patent application.

The above-referenced patent application was rejected under the judicially created doctrine of obvious type double patenting as being unpatentable over U.S. Patent No. 6,612,980. Applicants submit the attached terminal disclaimer to overcome this rejection.

Please charge Deposit Account No. 16-0221 for the terminal disclaimer fee due under 37 CFR 1.20(d). In the event that any additional fees may be required to be paid in connection with this matter, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

*Margaret M. Slezak* 8/25/2005  
Margaret M. Slezak, Esq.  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 1-571-273-8300 on August 25, 2005.

Name Of Attorney: Margaret M. Slezak

Signature: *Margaret M. Slezak*

Date Of Signature: August 25, 2005

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PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
MMS-2E CON 3

In re Application of: David T. Chen et al.

Application No.: 10/653,719

Filed: 8/02/2003

For: Anatomical Visualization System

The owner\*, Medical Media Systems, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,612,980 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

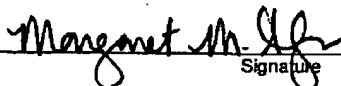
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 55,625



Signature

8/25/2005

Date

Margaret M. Slezak

Typed or printed name

781-290-0060

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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